

105TH CONGRESS  
2D SESSION

# S. 1674

To establish the Commission on Legal Reform.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1998

Mr. FAIRCLOTH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Legal Reform Commis-  
5 sion Act of 1998”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is established a com-  
8 mission to be known as the Legal Reform Commission  
9 (hereafter in this Act referred to as the “Commission”).

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Commission shall be  
12 composed of 11 members of whom—

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1 (A) one shall be appointed by the Presi-  
2 dent;

3 (B) one shall be appointed by the Presi-  
4 dent pro tempore of the Senate;

5 (C) one shall be appointed by the Speaker  
6 of the House of Representatives;

7 (D) two shall be appointed by the Majority  
8 Leader of the Senate;

9 (E) two shall be appointed by the Minority  
10 Leader of the Senate;

11 (F) two shall be appointed by the Majority  
12 Leader of the House of Representatives; and

13 (G) two shall be appointed by the Minority  
14 Leader of the House of Representatives.

15 (2) CHAIRMAN AND VICE CHAIRMAN.—The  
16 members of the Commission shall select a Chairman  
17 and a Vice Chairman from the members.

18 (3) PROHIBITION.—

19 (A) CHAIRMAN.—The Chairman of the  
20 Commission may not be an employee or former  
21 employee of the Federal Government.

22 (B) MEMBERS.—No member of the Com-  
23 mission may be a member or former member of  
24 the Bar of any State.

1           (4) DATE.—The appointments of the members  
2           of the Commission shall be made no later than June  
3           1, 1998.

4           (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
5           bers shall be appointed for the life of the Commission. Any  
6           vacancy in the Commission shall not affect its powers, but  
7           shall be filled in the same manner as the original appoint-  
8           ment.

9           (d) INITIAL MEETING.—No later than 30 days after  
10          the date on which all members of the Commission have  
11          been appointed, the Commission shall hold its first meet-  
12          ing.

13          (e) MEETINGS.—The Commission shall meet at the  
14          call of the Chairman.

15          (f) QUORUM.—A majority of the members of the  
16          Commission shall constitute a quorum, but a lesser num-  
17          ber of members may hold hearings.

18   **SEC. 3. DUTIES OF THE COMMISSION.**

19          (a) STUDY.—

20               (1) IN GENERAL.—The Commission shall con-  
21               duct a thorough study of all matters relating to the  
22               reform and simplification of the United States legal  
23               system.

24               (2) MATTERS STUDIED.—The matters studied  
25               by the Commission shall include reform of—

- 1 (A) Federal law;
- 2 (B) State law;
- 3 (C) criminal law;
- 4 (D) civil law;
- 5 (E) judicial, trial, and appellate processes;
- 6 (F) the Federal Rules of Evidence;
- 7 (G) the Federal Rules of Civil Procedure;
- 8 and
- 9 (H) the Federal Rules of Criminal Proce-
- 10 dure.

11 (b) RECOMMENDATIONS.—The Commission shall de-  
12 velop recommendations on all matters studied under sub-  
13 section (a) relating to reform of the United States legal  
14 system.

15 (c) REPORT.—No later than 2 years after the date  
16 of enactment of this Act, the Commission shall submit a  
17 report to the President and Congress which shall contain  
18 a detailed statement of the findings and conclusions of the  
19 Commission, together with its recommendations for such  
20 legislation and administrative actions as it considers ap-  
21 propriate.

22 **SEC. 4. POWERS OF THE COMMISSION.**

23 (a) HEARINGS.—The Commission may hold such  
24 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission  
2 considers advisable to carry out the purposes of this Act.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
4 Commission may secure directly from any Federal depart-  
5 ment or agency such information as the Commission con-  
6 siderers necessary to carry out the provisions of this Act.  
7 Upon request of the Chairman of the Commission, the  
8 head of such department or agency shall furnish such in-  
9 formation to the Commission.

10 (c) POSTAL SERVICES.—The Commission may use  
11 the United States mails in the same manner and under  
12 the same conditions as other departments and agencies of  
13 the Federal Government.

14 (d) GIFTS.—The Commission may accept, use, and  
15 dispose of gifts or donations of services or property.

16 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of  
18 the Commission who is not an officer or employee of the  
19 Federal Government shall be compensated at a rate equal  
20 to the daily equivalent of the annual rate of basic pay pre-  
21 scribed for level IV of the Executive Schedule under sec-  
22 tion 5315 of title 5, United States Code, for each day (in-  
23 cluding travel time) during which such member is engaged  
24 in the performance of the duties of the Commission. All  
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in  
2 addition to that received for their services as officers or  
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-  
5 mission shall be allowed travel expenses, including per  
6 diem in lieu of subsistence, at rates authorized for employ-  
7 ees of agencies under subchapter I of chapter 57 of title  
8 5, United States Code, while away from their homes or  
9 regular places of business in the performance of services  
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairman of the Com-  
13 mission may, without regard to the civil service laws  
14 and regulations, appoint and terminate an executive  
15 director and such other additional personnel as may  
16 be necessary to enable the Commission to perform  
17 its duties. The employment of an executive director  
18 shall be subject to confirmation by the Commission.

19 (2) COMPENSATION.—The Chairman of the  
20 Commission may fix the compensation of the execu-  
21 tive director and other personnel without regard to  
22 the provisions of chapter 51 and subchapter III of  
23 chapter 53 of title 5, United States Code, relating  
24 to classification of positions and General Schedule  
25 pay rates, except that the rate of pay for the execu-

1        tive director and other personnel may not exceed the  
2        rate payable for level V of the Executive Schedule  
3        under section 5316 of such title.

4        (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
5        Federal Government employee may be detailed to the  
6        Commission without reimbursement, and such detail shall  
7        be without interruption or loss of civil service status or  
8        privilege.

9        (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
10       TENT SERVICES.—The Chairman of the Commission may  
11       procure temporary and intermittent services under section  
12       3109(b) of title 5, United States Code, at rates for individ-  
13       uals which do not exceed the daily equivalent of the annual  
14       rate of basic pay prescribed for level V of the Executive  
15       Schedule under section 5316 of such title.

16       **SEC. 6. TERMINATION OF THE COMMISSION.**

17       The Commission shall terminate 90 days after the  
18       date on which the Commission submits its report under  
19       section 3.

20       **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21       (a) IN GENERAL.—There are authorized to be appro-  
22       priated such sums as are necessary to the Commission to  
23       carry out the purposes of this Act.

1       (b) AVAILABILITY.—Any sums appropriated under  
2 the authorization contained in this section shall remain  
3 available, without fiscal year limitation, until expended.